

Attorney Docket No.: 3399P072

Patent

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application for:

Tom R. Vandermeijden

Serial No.: 09/945,072

Filing Date: August 31, 2001

For: METHOD AND APPARATUS FOR AUTOMATICALLY POPULATING A CONTACT DATABASE IN A MOBILE

COMMUNICATION DEVICE

Mail Stop PGPUB

Commissioner for Patents P.O. Box 1450

Alexandria, VA 22313-1450

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JAN 2 2 2004

Technology Center 2600

Examiner: Banks Harold, Marsha

Group Art Unit: 2686

"Express Mail" mailing label number <u>EV409364352US</u>
I hereby state that I am causing this paper or fee to be deposited with the United States Postal Service
"Express Mail Post Office to Addressee" service on the date indicated below and that this paper or fee has been addressed to Mail Stop PGPUB, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-

Cember 19, 20 (Date of Deposit)

Julie Arango

(Printed name)

REQUEST TO RESCIND THE REQUEST FOR NON-PUBLICATION

Sir:

Applicants hereby rescind the Request for Non-Publication under 35 U.S.C. § 122(b) that was filed on August 31, 2001 pursuant to 35 U.S.C. §§ 122(b)(2)(B)(iii) and (iv).

The undersigned attorney for applicants has only recently realized that the Request for Non-Publication <u>may</u> have been submitted in error (Applicants do not concede this point), given that the present application incorporates by reference one or more U.S. Patents and/or Patent applications which have counterparts filed in a foreign country and/or under multilateral international agreement before the filing date of the Request for Non-Publication. Subsequent to the filing of the aforementioned Request, it came to Applicants' attention that the U.S. Patent and Trademark Office is taking the position that, under these circumstances, a Request and Certification under 35 U.S.C.

122(b)(2)(B)(i) would be improper. Any delay in filing this request has been unintentional.

Applicants respectfully submit that this Request to Rescind is proper even though it is being filed more than 45 days after the filing dates of the foreign/international counterpart(s) of said one or more U.S. Patent(s) and/or Patent application(s) that are incorporated by reference, given that the delay in submitting this request was unintentional.

Further, applicants respectfully submit that the present application is <u>not</u>

<u>abandoned</u> under 35 U.S.C. § 122(b)(2)(B)(iii), because the above-mentioned foreign/international counterpart(s) was/were filed <u>prior to</u> the filing date of the Request for Non-Publication.

If there is any fee required in connection with this request, please charge Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: <u>(2/19/</u>

Jordan M. Becker Reg. No. 39,602

Customer No. 26529 12400 Wilshire Boulevard Seventh Floor Los Angeles, CA 90025-1030 (408) 720-8300



26529

## United States Patent and Trademark Office

United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Sox 1450 Alexandra, Virginia 22313-1450 www.uspto.gov

APPLICATION NUMBER

SEVENTH FLOOR

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

09/945,072

LOS ANGELES, CA 90025

12400 WILSHIRE BOULEVARD

08/31/2001

Tom R. Vandermeijden

3399P072

**CONFIRMATION NO. 3009** \*OC000000011579868\*

TC 2600

Date Mailed: 12/29/2003

## Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 04/08/2004.

**BLAKELY SOKOLOFF TAYLOR & ZAFMAN/PDC** 

If applicant rescinded the nonpublication request before or on the date of "foreign filing," then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (703) 305-9282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

1 Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

DEC 1 9 2003		•
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TRANSMITTAL for EV 2003	Application Number	09/945,072
for FY 2003	Filing Date	August 31, 20

Effective 01/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.

	C	omplete if Known
	Application Number	09/945,072
	Filing Date	August 31, 2001
	First Named Inventor	Tom R. Vandermeijden
_	Examiner Name	Banks Harold, Marsha
	Group/Art Unit	2686 DECEIVED
	Attorney Docket No.	3399P072

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Charge any additional fee(s) required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.	1805	1,840*	1805	1,840 '	<ul> <li>Requesting publication</li> <li>Examiner action</li> </ul>	n of SIR after		
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FEE CALCULATION	1252	420	2252	210	Extension for reply with	hin second month		
1. BASIC FILING FEE	1253	950	2253	475	Extension for reply with	hin third month		
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Code (\$)	1404	330	2401	165	Notice of Appeal			
1001 770 2001 385 Utility filing fee	1402	330	2402	165	Filing a brief in suppor	rt of an appeal		
1002 340 2002 170 Design filing fee	1403	290	2403	145	Request for oral heari	ng		
1003 530 2003 265 Plant filing fee 1004 770 2004 385 Reissue filing fee	1451	1,510	2451	1,510	Petition to institute a p	oublic use proceedi	ng	
1005 160 2005 80 Provisional filing fee	1452	110	2452	55	Petition to revive - una	avoidable		
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Applicant claims small entity status. See 37 CFR 1.27.		Examiner Name Banks Harold, Marsha						
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		ndicated			t any overpa	ments	1804	920*	1804	920 *	Requesting publication of SIR prior to Examiner action		
_	e any ad	ditional fe	e(s) req	uired under 37 CFR §	§§ 1.16, 1.17	, 1.18 and 1.20.	1805	1,840*	1805	1,840 1	Requesting publication of SIR after		
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1001	770	2001	385	Utility filing fee			1402	330	2402	165	Filing a brief in support of an appeal		[ ]
1002	340	2002	170	Design filing fee Plant filing fee			1403	290	2403	145	Request for oral hearing		
1003	530	2003	265 385	Reissue filing fee			1451	1,510	2451	1,510	Petition to institute a public use proceeding	9	
1004	770 160	2004 2005	80	Provisional filing for	ee		1452	110	2452	55	Petition to revive - unavoidable		
1005	100	2005	00	T TO			1453	1,330	2453	665	Petition to revive - unintentional		
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Large Er	nttty	Small E	intity	_			8021	40	8021	40	Recording each patent assignment per property (times number of properties)		
Fee	Fee /to	Fee Code	Fee	Fee Description				~~~		005	Filing a submission after final rejection		
Code	(S)		<b>(\$)</b> 9	Claims in excess of	20		1809	770	1809	385	(37 CFR § 1.129(a))		
1202 1201	18 86	2202	43	Independent claims		3	1810	770	2810	385	For each additional invention to be		
1203	290	2203	145	Multiple Dependent			1				examined (37 CFR § 1.129(b))	•	
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SUBMITTED B	Y			Comp	lete (if applicable)
Name (Print/Type)	Jordan M. Becker	Registration No. (Attomey/Agent)	39,602	Telephone	(408) 720-8300
Signature	M. M.			Date	12/19/03